

#### REMARKS

The specification has been amended on page 12 to provide support for the language appearing in original claim 3.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 4 and 37 have been cancelled, while claim 1 has been amended to include the limitations of cancelled claim 4. In addition, the claims have been amended such that they are in proper multiple dependent form, i.e., a multiple dependent claim does not serve as the basis for another multiple dependent claim.

Applicants believe that the above changes answer the Examiner's 37 C.F.R. 1.75(c) objection to claims 12-21, 29, 30, 32 and 35-37, and respectfully request examination on the merits.

The Examiner has rejected claims 3, 25 and 26 under 35 U.S.C. 112, paragraph 2, as being indefinite.

Applicants believe that the above change to the specification answers the Examiner's rejection with respect to claim 3.

Claim 25 now recites "...the disc drive system being adapted to perform the method of formatting as claimed in claim 23." Since claim 23 claims "A method of formatting...", Applicants believe that there is sufficient antecedent basis for this limitation.

Claim 26 now recites "...said disc drive system being suitable for writing a multi-layered optical disc as claimed in claim 24..." since claim 24 claims "A multi-layered optical disc

having...", Applicants believe that there is sufficient antecedent basis for this limitation.

Applicants believe that the above changes and explanations answer the Examiner's 35 U.S.C. 112, paragraph 2, rejection of claims 3, 25 and 26, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1, 2 and 22 under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication No. JP2000-285469 to Hasagawa (Applicants' attorney thanks the Examiner for including a translation of this reference). In view of the above changes, Applicants submit that this rejection has been rendered moots.

The Examiner has further rejected claims 6-11, 23-28 and 31 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,271,018 to Chan. In addition, the Examiner has rejected claims 3-5 under 35 U.S.C. 103(a) as being unpatentable over Hasagawa in view of U.S. Patent 5,923,632 to Kato et al. Furthermore, the Examiner has rejected claim 33 and 34 under 35 U.S.C. 103(a) as being unpatentable over Hasagawa in view of Chan.

The Chan patent discloses a method and apparatus for media defect management and media addressing, in which during a testing operation, defective sectors on the disk are identified and their locations stored in a list on the disk.

Claim 6 claims "A method of formatting an optical disc having a multi-layered storage space comprising at least a first storage layer and a second storage layer below the first layer, in which access to the second storage layer is through the first

storage layer,..." The Examiner has indicated that Chan discloses this limitation at col. 16, lines 34-48.

Applicants submit that the Examiner is mistaken. In particular, while Chan mentions "multi-layer media", this multi-layer media is comprised of the surfaces of a plurality of separate disks, each being accessed directly by a separate read/write head. There is no disclosure or suggestion of a multi-layer disc in which access to the second storage layer is through the first storage layer.

Claim 6 further includes the limitation "incorporating into the defect list addresses of all blocks which are physically located in the second storage layer". The Examiner has indicated that Chan discloses this limitation at col. 1, lines 37-43.

Applicants submit that the Examiner is mistaken. In particular, the noted section of Chan states:

"When the disk media is placed into service, additional sectors on the disk may become defective. Such defective sectors are known as secondary defects or "grown" defects. A list of grown defects is maintained and stored on a disk surface. This list, known as the "secondary defect list" (SDL), is also stored at a location on the disk surface reserved for that list."

In this section, Chan is describing a secondary list containing the locations of defects arise during use. However, there is no disclosure or suggestion of incorporating in this secondary defect list or in the primary defect list "addresses of all blocks which are physically located in the second storage layer".

Claim 23 includes the limitation "writing into the write history table, in respect of all blocks of the storage space, a code having a first value indicating that these blocks are still maiden". The Examiner has indicated that Chan discloses this limitation at col. 1, lines 22-43.

Applicants submit that the Examiner is mistaken. In particular, the noted section of Chan merely describes the primary defect list which is included on the media by the manufacturer and indicates the locations of defects introduced during the manufacturing process, and the secondary defect list which is included on the media and indicates the locations of defects which arise during use of the recording media. However, there is no disclosure or suggestion of "writing into the write history table, in respect of all blocks of the storage space, a code having a first value indicating that these blocks are still maiden".

Claim 31 includes the limitation "the file allocation list containing at least one system file with a predetermined name, of which it is specified that it occupies all blocks which are physically located in the second storage layer and are located below a maiden portion of said first storage layer". the Examiner has indicated that Chan discloses this limitation at col. 7, lines 11-34.

Applicants submit that the Examiner is mistaken. in particular the noted portion of Chan describes an addressing scheme for the partitions in the recording medium. However, there is no disclosure or suggestion of blocks in the second layer underlying a

maiden portion of the first storage layer. In fact, this portion of Chan is directed to a single layer medium (see col. 16, lines 34-35 "This invention has been described in connection with a single layer media.").

Claim 1 now includes the claim 4 limitation "wherein said step of preventing a write operation to a portion of said second storage layer comprises: defining said portion as being defective."

The Examiner has indicated that Hasagawa discloses this limitation at "[0016], where by changing a state permeability second layer 13 is made non-writable (temporarily defective))."

Applicants submit that this is different from that of the subject invention. In particular, Hasagawa finds it necessary to physically change (albeit temporarily) certain portions of the second layer such that they appear defective. In contradistinction, the subject invention does nothing to the portions of the second storage layer. Rather, the subject invention merely (temporarily) includes the locations on the second storage layer in the defects list. As such, rather than rendering the portions of the second layer unwritable, the subject invention merely defines the portions of the second layer defective.

Applicants believe that this is neither shown nor suggested by Hasagawa.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-3 and 5-36, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
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